

File Ref: [REDACTED]

[REDACTED]

Via email: [REDACTED]

[REDACTED]

FREEDOM OF INFORMATION (FOI) REQUEST

I refer to your application under the *Freedom of Information Act 2016* (the Act) received by the Education Directorate (the Directorate) on 1 March 2021, in which you are seeking access to:

Correspondence from the Education Directorate to the parents and carers of Richardson Primary School regarding allegations of reportable conduct against a casual learning support assistant, sent via email between July 1 and December 31, 2020.

I am an Information Officer appointed by the Director-General under section 18 of the Act to deal with access applications made under Part 5 of the Act.

A decision on your access application was required to be provided by 30 March 2021, in line with section 40 of the Act.

Decision on access

Searches were completed for relevant records and one record was identified that falls within the scope of your request.

I have decided to grant full access to this record.

For your information, the record was sent to the parents and carers of class 2/3L, not to the entire school community.

I have included as Attachment A to this decision, the document being released to you.

Material considered

In reaching my access decision, I have taken the following into account:

- the Act, particularly sections 16, 17 and 50, and Schedules 1 and 2;
- the content of the documents that fall within the scope of your request; and
- the *Human Rights Act 2004*.

Reasons for decision

I have considered the document that is relevant to your request in accordance with the requirements of the FOI Act.

The public interest test has been applied in accordance with Section 17 of the FOI Act, which requires the identification of factors favouring disclosure and non-disclosure, the balancing of those factors, and a decision whether, on balance, disclosure of the information would be contrary to the public interest.

I have decided that the applicable factors favouring disclosure, as listed at Schedule 2.1 of the Act, are that the released information could reasonably be expected to:

- promote open discussion of public affairs and enhance the government's accountability (Schedule 2.1(a)(i));
- contribute to positive and informed debate on important issues or matters of public interest (Schedule 2.1(a)(ii));
- Inform the community of the government's operations, including the policies, guidelines and codes of conduct followed by the government in its dealings with members of the community (Schedule 2.1(a)(iii)); and
- reveal the reason for a government decision and any background or contextual information that informed the decision (Schedule 2.1(a)(viii)).

I have decided that there are no factors favouring non-disclosure as listed at Schedule 2.2 of the Act. Therefore, this record is released to you in full.

Charges

Processing charges are waived for this request because the Act requires that the first 50 pages must be provided free of charge, and the number of pages involved does not exceed this threshold.

Online publishing – disclosure log

Under section 28 of the Act, the Directorate maintains an online record of access applications called a disclosure log. The Directorate is required to publish the information released in response to an access application on the disclosure log between three and ten days after the decision is released to the applicant.

For your information, the Directorate's disclosure log is available at https://www.education.act.gov.au/about-us/freedom_of_information/disclosure-log

Ombudsman review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is released to you, or a longer period allowed by the Ombudsman. Whilst information released in response to your request will be made available via the disclosure log, your personal information will not be published.

If you wish to request a review of my decision you may write to the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

Email: actfoi@ombudsman.gov.au
Telephone: (02) 6276 3773

ACT Civil and Administrative Tribunal (ACAT) review

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal
Level 4, 1 Moore St
GPO Box 370
Canberra City ACT 2601

Telephone: (02) 6207 1740
Website: <http://www.acat.act.gov.au/>

If you have any queries concerning the Directorate's processing of your request, or would like further information, please contact the Directorate's FOI team on 02 6205 0720 or email EducationFOI@act.gov.au.

Yours sincerely



Paula Murray
Information Officer

24 March 2021